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Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 11 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr ..... (Liberia)

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The meeting was called to order at 3.05 p.m.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners

Question of Western Sahara (continued) (A/C.4/73/7 and A/C.4/73/7/Rev.1)

1. **Mr. Tommo Monthe** (Cameroon) proposed that the Committee should further defer its consideration of the requests for hearing from Mr. Ikome Sako (Africa Solidarity for Sahrawi) and Mr. Ayong Ayim (Living Stories and Memories).

2. *It was so decided.*

3. **Mr. Pinto Leite** (International Platform of Jurists for East Timor) said that the Court of Justice of the European Union in 2016 and 2018 had ruled that an agricultural trade agreement between Morocco and the European Union could not apply to goods originating from Western Sahara, that a fisheries agreement between Morocco and the European Union could not include the waters off Western Sahara, and that Morocco had no sovereignty over Western Sahara and its waters. Yet in July 2018, the European Council had approved the incorporation of Western Sahara into trade protocols between Morocco and the European Union, and the European Commission had explicitly included Western Sahara in a fisheries agreement with Morocco. Members of his organization from diverse countries with different legal systems had been dismayed at the reaction of the European Union to the decisions of the European Court of Justice.

4. The Court had been clear that self-determination was considered a legally enforceable right *erga omnes* by the International Court of Justice and that it was therefore enjoyed by the people of Western Sahara, there being no tie of territorial sovereignty between Western Sahara and Morocco. Furthermore, the European Court of Justice had referenced General Assembly resolution 34/37, which considered Western Sahara to be an occupied Territory, not a part of Morocco and the Frente POLISARIO to represent the people of Western Sahara. In their agreements, the European Commission and the European Council had thus violated European and international law. Morocco was no more than an occupying Power that must withdraw from Western Sahara.

5. **Ms. Lenz** (International Faith and Peace Dialogue) said that over the previous 19 years she had been an eyewitness to the situation in the Tindouf refugee camps. The right of the Sahrawi people to a referendum on its future status was undebatable, as it had already won that right through affirmations by the International Court of Justice and the United Nations. The referendum must therefore take place to address the needs and tragic living situation of the Sahrawi refugees, as well as to adhere to international law and the United Nations goal of eradicating colonialism. While the right to a referendum was a legal matter, the integrity, honour and dignity of the Sahrawi people further demonstrated its worthiness of that right.

6. **Mr. Cameron** (World Action for Refugees) said that it was the inaction of Member States that made them accountable for the injury caused to the population of the Tindouf camps. A final political solution could be achieved through the Moroccan autonomy initiative to guarantee good governance and the fundamental rights of the population, but such an outcome was being hindered as the parties involved continued to defer seeking a solution. Moreover, immediate relief in the form of aid and supplies was obstructed, as such goods were stolen before they even reached the camps.

7. There was a simple roadmap to solve the stalemate. A census should be conducted to define the true number of refugees and the proper amount of food, medical and other supplies needed. Algeria and the camp authorities should demonstrate that they acted in the best interest of the refugees by safeguarding the supplies and mercilessly cracking down on the racketeers who were cold-heartedly embezzling them. The camp dwellers should then be allowed to re-settle freely in the society of their own choosing after being provided with objective information, free from ideological undercurrents, on the prospects and conditions awaiting them.

8. **Ms. Windsor Smith** (The Potomac School) said that the Committee must take appropriate steps to ensure that the United Nations Mission for the Referendum in Western Sahara (MINURSO) was able to fulfil its mandate and hold a referendum on self-determination for the people of Western Sahara. Despite over 65 United Nations resolutions and promises by the Organization to guarantee that fundamental freedom to the Sahrawi people, no referendum had yet been held, mainly owing to the intransigence of the Moroccan Government and its failure to abide by its commitments to the United Nations Settlement Plan. The International Court of Justice had found that Morocco had no sovereignty over Western Sahara. Nonetheless, Morocco had illegally occupied the Territory since 1975, undermining the rule of law. Meanwhile, Sahrawis lived in heart-wrenching conditions, exiled from their homeland and separated from their families.

While the Moroccan Government was stealing the natural resources of Western Sahara — to which several judicial decisions worldwide had underscored that Morocco had no right —, food supplies in the Sahrawi refugee camps were dwindling, even though the refugee dilemma had a clear and attainable solution. Taking immediate action to ensure that MINURSO fulfilled its mandate was crucial to protecting the rights and the culture of the Sahrawi people, the international community's commitment to self-determination and the credibility of the United Nations.

9. **Ms. Abba Hemeida**, speaking in her personal capacity as a freelance Sahrawi writer and journalist, said that the case of Western Sahara illustrated that the price of freedom for the press had become too high. Not only had Morocco violated the fundamental right to freedom of expression, it had also imprisoned and tortured Sahrawi and Moroccan journalists who had attempted to write truthfully about Western Sahara and it had engaged in censorship by preventing international journalists from entering the Sahrawi capital, all in an attempt to conceal its human rights violations from the global community. Protecting journalists everywhere and freedom of expression for the press and for citizens was vital.

10. **Ms. Dehbi Talbot**, speaking in her personal capacity as a filmmaker, said that like most North Americans, she had previously been largely unaware of the existence of Western Sahara, its claims for independence and the plight of the Sahrawi people. The promise of a referendum was reinforcing the proud identity of the younger generation of Sahrawis, and there was great hope and faith in a free Western Sahara. Many powerful institutions and countries had been aware of the situation there for years. The response should be to shed light on the Sahrawi battle for freedom, suffering, dignity and courage, as telling people's stories contributed to the achievement of a fairer world, without walls, camps or censorship. Nonetheless, many Sahrawi people lacked the tools needed to share their experiences. Such tools should be provided by the United Nations to allow them that opportunity.

11. **Mr. Sghayer**, speaking in his personal capacity as a Sahrawi activist, said that, even though the Baker Plan had stipulated that all Western Saharan prisoners of the Moroccan occupying forces be released, many Sahrawi families were still waiting to find out the fate of their loved ones. For its part, the Equity and Reconciliation Commission refused to investigate where those who had died were buried or who was directly responsible for their deaths. All the same, the names of the Moroccan butchers in the Royal Gendarmerie, Army, General Intelligence and Judicial Police were known: Saleh Zemrag, Housni Benslimane, Alaraby Harriz, Garawani Jatti. More than 25 years after the ceasefire and the launch of the United Nations peace process, the families of the victims and the Sahrawi people generally were still awaiting justice and above all the right to self-determination and independence.

12. **Mr. Fall**, speaking in his personal capacity on behalf of the civil society of Western Sahara, said that the economic aspect was a vital element of the occupation of Western Sahara, given the Territory's formidable economic production. The economic situation and living conditions of the Sahrawi people had deteriorated significantly since Morocco had supplanted Spain as occupier, with income per capita declining by 75 per cent between the 1970s and the 1990s. Sahrawis remained at the mercy of a systematic campaign to impoverish the Territory and keep its inhabitants economically dependent. Development as commonly understood would entail investments in health, education and infrastructure – benefits that remained inaccessible to Sahrawi youth, many of whom were forced to travel thousands of kilometres from home to study in Morocco, their suffering compounded by the exclusion and racism to which they were subjected there.

13. By contrast, the so-called development championed by the Moroccan occupier and its collaborators amounted to little more than investment in the military and security sectors and settlement campaigns aimed at altering the demographic landscape. The indigenous inhabitants of the Territory had thus become a minority in their own land, amounting to a mere 35 per cent of the population in occupied Laayoune, 19 per cent in occupied Dakhla and 33 and 19 per cent in the cities of Boujdour and Smara, respectively. The occupation had also succeeded in stamping out independent economic activity among Sahrawis, who had been earning their livelihoods for centuries.

14. Sahrawi civil society called on the international community to compel the occupying Power and France, its political ally, to comply with international resolutions concerning the Sahrawi people's right of self-determination. The international community must also act to ensure respect for the human rights of Sahrawis and protect their natural resources from further plunder.

15. **Mr. Fadel**, speaking in his personal capacity, said that he and his fellow Egyptians shared a great deal in common with the Sahrawi people, as both peoples had risen up against injustice, defending the very principle

of self-determination championed by the United Nations. After emerging victorious from its struggle against the despotic rule of Hosni Mubarak, the Egyptian people had elected a Government, which had been subsequently overthrown; the international community had then dashed the Egyptian people's hopes by endorsing the leaders of the murderous coup.

16. In similar fashion, the Sahrawi people's faith in the United Nations had been betrayed; despite its engagement in the Organization-led peace process, the plunder of natural resources and illegal investments in the occupied Territory of Western Sahara persisted. Meanwhile, Sahrawis continued to face unemployment and marginalization, and Sahrawi refugees, many suffering from malnutrition, eked out an existence, reliant on international largesse.

17. From the initial betrayal by Spain, which had sold the Territory in exchange for Ceuta and Melilla, to the support of the United States of America for Morocco in its construction of the shameful berm and to French threats to veto a Security Council vote on self-determination, the people of Western Sahara had fallen victim time and again to the interests of powerful States. In closing, he stressed that no State recognized Moroccan sovereignty over Western Sahara and urged the United Nations to uphold its promise to enable the Sahrawi people to exercise its right to self-determination and independence.

18. **Mr. Ahmed**, speaking in his personal capacity, said that the people of Western Sahara continued to suffer under military occupation and in exile, even though decades had passed since the adoption of General Assembly resolution 1514 (XV); the placing of Western Sahara on the list of Non-Self-Governing Territories; and the ruling by the International Court of Justice that there was no tie of territorial sovereignty between Western Sahara and Morocco. In its failure to implement resolutions and fulfil the objective of eradicating colonialism, the United Nations and the Fourth Committee had become a source of disappointment rather than hope for the people of Western Sahara. The decolonization process had still not ended in Western Sahara, and the United Nations was doing close to nothing. The people of Western Sahara was entitled to its inalienable right to freely determine its political future.

19. **Ms. Ramos** (American Association of Jurists) said that Western Sahara was a Non-Self-Governing Territory illegally occupied by Morocco since 1975. The International Court of Justice had at the time rejected the sovereignty claims made by Morocco over the Territory; and various legal opinions on Western Sahara issued in the ensuing decades by the United Nations and the European Court of Justice had condemned the exploitation of the Territory's natural resources without the consent of its people, represented by the Frente POLISARIO, as a usurpation of its legitimate rights.

20. As a colonized people, the Sahrawis had the inalienable right to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). Her organization endorsed the 1990 United Nations Settlement Plan for Western Sahara and the framework for a referendum on self-determination and decolonization. The United Nations had the primary responsibility for Western Sahara, for it was the only Territory without an internationally recognized administering Power. As the occupying Power continued its refusal to integrate a human rights component into the mandate of MINURSO, it was crucial to resume the technical missions initiated in 2015 by the Office of the United Nations High Commissioner for Human Rights. It was only through the implementation of the resolutions on holding the referendum on self-determination that decolonization of the Territory could be achieved and peace, security and development in region could be safeguarded.

21. **Mr. Lehbib** (Sahrawi Association for Human Rights) said that the Moroccan invasion had forced thousands of Sahrawis, including his family, to flee their Territory and seek refuge in neighbouring Algeria. Those who had been unable to flee had been suffering under the brutality of the Moroccan regime for over four decades. The Fourth Committee had adopted several resolutions condemning the illegal occupation and forcible annexation of his country by Morocco in 1975, and yet it had still not fulfilled its obligations to the people of Western Sahara. The United Nations had failed to keep its promises; MINURSO staff had not fulfilled their primary mandate of organizing the referendum on self-determination; and United Nations resolutions had not been enforced. The prevalence of sorrow and trauma in the world did not reflect the aspirations of the United Nations. The Sahrawi refugee camps were among the most inhospitable places in the world. His generation had been born in the camps and waited, with growing frustration, for the United Nations to allow it to express the fundamental right to self-determination. The unchanging position of the Organization was causing young Sahrawis to lose faith in peace and diplomatic channels; they believed that the time to act was now.

22. **Mr. Cisse**, speaking in his personal capacity as a former Malian diplomat, said that that the region of which Morocco was a part faced a number of challenges due to the immensity of the Sahara, the relative fragility

of certain States there and the harmful effects of climate change. The threat of terrorism and violent extremism, as well as cross-border crime and all types of trafficking, added to the region's vulnerability and hindered any kind of development. Morocco had established comprehensive and appropriate responses to such threats and challenges, on both the domestic and national levels. Its longstanding internal stability and extensive network of diplomatic contacts had allowed Morocco to invest in the stability of the region, in terms of both security and development. It had carried out humanitarian operations, most recently in Mali, Congo and South Sudan, and contributed to peacekeeping missions across Africa, starting in the Congo in 1960.

23. In an innovative and radical approach to combating terrorism, a programme had been set up to train imams in the practice of a moderate, tolerant Islam open to the modern world and consonant with the rule of law; currently 500 Malian imams were being trained in Morocco, as were many from several other African and European countries. Promoting development, Morocco had generously shared its know-how by signing over one thousand agreements with African countries that emphasized capacity-building and the solidarity economy, aiming to make the region a platform for development, prosperity and cooperation. The internal stability of Morocco would permit the country to continue to play a leading role in stability and development beyond its borders. Once the thorny question of Western Sahara had been resolved on the basis of the autonomy proposal it had put forward, Morocco could become even more active in the advancement of the region.

24. **Ms. Thomas**, speaking in her personal capacity as the former official in charge of legal affairs for MINURSO, said that she was able to certify that there was no reason why a referendum on self-determination could not have taken place in 2000, or why it could not take place now. Morocco was illegally using the resources of Western Sahara, and declaring the Territory to be part of Morocco, referring to it as its Southern Provinces in its laws, its proclamations to its citizens and its treaties with other nations. It used the resources without any attempt to obtain the approval of the people of the Territory, and often labelled products from the region as coming from Morocco. The plundering of phosphates, fishery and agricultural products and other resources went against the basic principles of international law as set forth by the International Court of Justice, the United Nations Office of Legal Affairs and various international conventions. The recent legal action taken by the people of Western Sahara to assert its rights under international law should not be necessary. The Committee had the power and the responsibility to stop the illegal activity by demanding that Morocco grant the people its right to self-determination and cease to use the resources of Western Sahara without its consent. It was incomprehensible that the Committee had permitted Morocco to get away with its duplicitous position for so long by failing to take a stand against its actions. The Security Council, members of which were trying to bludgeon the people of Western Sahara into accepting a system it did not want, must be told to organize the referendum that was promised thirty years earlier by the United Nations to allow the people to exercise the right to self-determination by freely choosing its future.

25. **Ms. Huff** (Teach the Children International) said that according to the European Anti-Fraud Office (OLAF) report released in 2015, copious amounts of humanitarian aid intended for Sahrawis living in the Tindouf refugee camps had for years been diverted at various junctures by and for the benefit of known Frente POLISARIO leaders. She herself had had first-hand knowledge of the blatant abuse since 1999. A few simple steps to stop the theft of humanitarian aid, taken early on, would have sufficed to settle the issue of Western Sahara soon after its inception.

26. With international interest in the issue dwindling and the composition of the Tindouf camp population changing as a result of porous borders, reining in those involved in the web of rampant humanitarian aid diversions that now reached across North Africa might prove impossible. She therefore implored the Committee to conduct a long-overdue headcount of Tindouf camp residents, because inflated estimates only encouraged theft, and to closely monitor all humanitarian aid destined for the camps. In a recent statement, the Office of the United Nations High Commissioner for Refugees (UNHCR) had acknowledged the importance of carrying out official registration of the Tindouf camp population.

27. Noting that the money and energy required to maintain the status quo on Western Sahara exceeded the effort needed to end the present impasse, she stressed that the Moroccan autonomy initiative offered the simplest and swiftest means of resolving the issue once and for all.

28. **Ms. Eads** (Capitol Hill Prayer Partners) said that over the previous 10 years, she had taken up the cause of the Sahrawis living in the Tindouf refugee camps and in Western Sahara. She shared the concerns expressed in the Secretary-General's 2016 report (A/71/224) regarding camp conditions, the disillusionment of the youth and the helplessness born of years of protracted

conflict. The circumstances made Sahrawi young people vulnerable to the lure of such clandestine activities as arms smuggling and embracing terrorism as a way of life.

29. As part of her advocacy for the Sahrawi people, she had encouraged United States Government officials to push for a peaceful resolution to the question of Western Sahara and to become active on behalf of a people unable to speak for itself. Many had taken an interest in the issue and were looking to the United Nations for guidance. While the Organization had invested considerable time and resources to bring an end to the separation of families and children, further progress towards a resolution through a referendum that had been hindered, among other reasons, by the refusal by the Frente POLISARIO to allow the mandated census in the camps, had been deemed impracticable by the Security Council. She therefore urged the Committee to consider the Moroccan autonomy initiative, which had been characterized by the Security Council as a reliable, serious and credible option and as a form of self-determination for the people of Western Sahara.

30. **Ms. Mohamed-Lamin** (NOVA Western Sahara), speaking in her personal capacity as a Sahrawi woman born in the Tindouf refugee camps, said that she and thousands of other Sahrawis had long nursed a dream to determine their own fate. Her people, the most peaceful people in the world, had been dehumanized and lied about by persons who had yet to set foot in the refugee camps. As a result of the illegal occupation of her land and rampant prevarication, refugee status — the worst status possible — had been forced on Sahrawis.

31. Entire generations of Sahrawis had painstakingly cultivated a patience and a devotion to peace that, she feared, would eventually wear thin. Those who asserted that autonomy within Morocco would suit the Sahrawi people best should leave that decision to Sahrawis, who alone had the right to choose their political future and whose opinion was the only one that counted. The French President, the King of Morocco and all others contributing to Sahrawi suffering should take note: the Sahrawi people would never give up, and its voice would continue to be heard.

32. **Ms. Sams** (Antioch Community Center), recognizing the many worthy efforts made by the United Nations to seek a peaceful resolution to the question of Western Sahara, said that she had witnessed the impoverished state in which the inhabitants of the Tindouf refugee camps lived. For the sake of those people, she called upon the Committee to act more quickly and consider different options to settle the issue, in the light of recent changes that affected regional security. The current leadership of the Frente POLISARIO was collaborating with rogue nations and groups infiltrating the area in and around the Tindouf camps. It was imperative for the Committee to bear in mind that the unresolved Western Saharan issue might become a magnet for countries and leaders with an agenda of war and destabilization. Priorities must change along with times and circumstances, and the immediate priority should be to arrive at the safest and best solution, namely, the Moroccan autonomy initiative.

33. In addition, she requested the Committee to formulate a comprehensive data-collection plan for those who lived in the Tindouf camps. There was a long-standing resistance to allowing anyone not in the Frente POLISARIO to be privy to the number of people in the camps; the lack of transparency concerning the number of humanitarian aid recipients undermined the credibility of the Frente POLISARIO. Providing a headcount of camp residents would demonstrate good faith on the part of the Frente POLISARIO and indicate its desire to resolve the issue as quickly as possible.

34. **Mr. Huff** (Safety and Security Instructional Services), speaking in his personal capacity as a seasoned professional in the field of security, said that the question of Western Sahara had been considered the concern of a remote area of North Africa and therefore of little consequence to the rest of the world. However, in May 2018, when military intelligence sources reported that Hizbullah had provided surface-to-air missiles to the Frente POLISARIO and were training Frente POLISARIO military in the Tindouf camps, it became clear that the unresolved question posed a major security risk to the region. Morocco had promptly severed ties with the countries supporting the Frente POLISARIO.

35. According to the Begin-Sadat Center for Strategic Studies, Hizbullah supporters purposely sought out such discontented groups as the Tindouf Sahrawis to indoctrinate them in terrorist ideology and use them to establish rear bases for Hizbullah activism. One European agency found collaboration between Hizbullah and drug cartels and other smuggling organizations in North Africa. By 2017, as many as 100 militants from the Frente POLISARIO were reported to have joined terrorist groups operating in the region.

36. Morocco had every right to seek to stabilize the area by all means possible. Enforcing its national sovereignty in its territory was the best way to keep the region from becoming one more embattled region. A peaceful settlement of the Western Sahara dispute would foster stability and defeat terrorism in North Africa. All

Sahrawi refugees should return to their homeland, ready to work for the good of their families by building infrastructure, increasing freedoms and promoting democracy under the Moroccan autonomy initiative.

37. **Ms. Giampietro** (Western Sahara Resource Watch) said that the exploitation of natural resources in Western Sahara hinged on Moroccan military occupation. She called on the United Nations to prevent foreign companies from exploring and exploiting natural resources in the Territory. Moroccan investments made to facilitate the exploitation must be regarded as an obstacle to the liberation of a Territory occupied by force, because they further integrated the economy of Western Sahara into that of Morocco. The shameful violation by Morocco of the Sahrawi people's human right to dispose of its own resources and means of subsistence must not be tolerated.

38. In view of the recent judgments handed down by the European Court of Justice, the role of European companies was particularly problematic. Energy projects in Western Sahara had been rightly contested by Sahrawis, who had argued that such projects entrenched the occupation of Western Sahara and contributed to the plunder of resources. European shipping companies were also involved in the transport of phosphate rock from occupied Western Sahara, where the New Zealand agriculture industry had an equally dubious role, as two of its companies were the only remaining clients in the world still exporting the phosphate rock. Her organization had contacted several of the companies to ascertain what measures were being taken to obtain the consent of the Sahrawi people, to no avail.

39. **Mr. Jamison** (Date Palm Consulting), speaking in his personal capacity as a frequent visitor to the Tindouf camps, said that the Sahrawis had amply demonstrated their hospitality, resourcefulness, openness to the outside world and tolerance of persons of different faiths and foreign workers in their society — characteristics that were antithetical to terrorist behaviour. However, the Sahrawi people deserved the right to self-determination not on the basis of merit but because Allah said that upholding that right was the righteous thing to do. In that regard, he commended Algeria for practicing the faith it professed.

40. **Mr. Coulibaly** (University of Bamako, Mali) said that the Sahelo-Saharan region was in the grip of a security crisis that severely compromised the fundamental rights of the peoples there. The Frente POLISARIO bore responsibility for the deteriorating security situation in the Tindouf refugee camps and in the Sahara, areas plagued by insecurity since the 1970s. The Kingdom of Morocco alone could guarantee security and stability in the region, as evidenced by the marked differences between the situation in cities under Moroccan rule, where rights were respected, and the state of affairs in areas controlled by the Frente POLISARIO.

41. Over the previous three decades, vast trafficking networks had been developing throughout the Sahel, which had become a safe haven for Salafist terrorist groups. In addition to establishing a parallel economy, the criminal networks had fostered rampant corruption and lawlessness, unemployment, extreme poverty, marginalization and a culture of impunity; the host of social ills had laid waste to political life, cultural values and economic development. Residents of the Saharan countries were routinely subjected to physical violence and threats, especially when they expressed opinions that diverged from the norm.

42. The Frente POLISARIO must be held responsible by the international community for its pursuit of counterproductive, repressive policies that served the interests of its leaders and foreign allies. Moreover, decisive and tangible action was needed with a view to implementing the Moroccan autonomy initiative, which constituted the best option for resolving the question of Western Sahara.

43. **Mr. Rodrigues** (Fédération des agences internationales pour le développement), speaking as a legal expert, said that agreements concluded between the Kingdom of Morocco and the European Union were undergoing significant changes. While the European Court of Justice did not have jurisdiction over the resolution of international conflicts, it was competent to interpret European treaty law, under which a series of judgments had been handed down concerning Morocco and Western Sahara, including a rejection of the motion filed by the Frente POLISARIO against the agreement between Morocco and the European Union. That judgment had been supplemented by two other judgments, one of which ruled that the European Union did have the right to negotiate agreements with Morocco that might be applicable to Western Sahara, at the same time enjoining it to verify that the population affected by the agreements had given its consent. Furthermore, in recent months the European Commission had proposed that the tariff preferences provided for under the agreement with Morocco be extended to Western Sahara and that the waters adjacent to Western Sahara be included in the fishing zone. In its proposal, the Commission had found that the Kingdom of Morocco was the only entity with which such an agreement could be concluded in the light of the fact that no other entity could guarantee the sustainable exploitation of those resources and the management and monitoring of the

European funds. The European Union had thus effectively recognized Morocco as an appropriate and legitimate interlocutor on behalf of the people of Western Sahara.

44. **Ms. Zanoguera** (Associació d'Amics del Poble Sahraui de les Illes Balears), speaking as the daughter of a Sahrawi refugee adopted by a Spanish family, said that she would have been forced to live either in the desert in Tindouf or under a police State in occupied Western Sahara had her mother not fled Western Sahara when Morocco had invaded. Sahrawis thus continued to be denied the most fundamental of human rights, namely, the right to choose where one would live and raise one's children.

45. The international community must decide whether it would give itself the gift of listening to the Sahrawi people, as the price of injustice would ultimately be paid by all. She believed in United Nations mandates and in justice, which could be served only by listening to both parties. It was shameful that the indisputably cruel evil of colonialism continued to trump the imperative to uphold human dignity. As a daughter of Western Sahara, she demanded that a just, democratic and well-monitored referendum be held, allowing her people's voice to be heard at long last.

46. **Ms. Ashcraft**, speaking in her personal capacity as a retired United States Drug Enforcement Administration official, said that military organizations like Hizbullah had established training camps in the Tindouf refugee camps, seeking to recruit disaffected, vulnerable youth to engage in terrorist activity, drug and weapons smuggling and human trafficking. Since the Arab Spring, militant Islamist groups had partnered with Latin American drug cartels in an effort to transport more drugs, arms and human beings across the desert, extending their reach throughout the African continent and infiltrating Sahrawi refugee camps. Drug Enforcement Administration offices in the region had noted an escalation in cocaine trafficking from South America to Europe via established routes in Africa, posing a critical threat to both continents. South American drug trafficking organizations were increasingly utilizing the African continent as a transit base and storage location for cocaine destined for Europe. In addition, Southwest Asian heroin and precursor chemicals for methamphetamine were smuggled through the African continent en route to their respective destinations of the United States and Central America.

47. According to a report by the Jerusalem Center for Public Affairs, certain countries with regional ambitions in the Maghreb had chosen to back the Frente POLISARIO, which continued to keep Sahrawi refugees captive, and fight Morocco, a long-standing ally of the West, with the goal of destabilizing the area and undermining the integrity of the Moroccan Kingdom. Other countries had used Hizbullah, which had delivered surface-to-air missiles and other weapons to the Frente POLISARIO, to further their mission, leading Morocco to sever ties with them. The Hizbullah presence in the Tindouf camps made a prompt resolution of the question of Western Sahara all the more necessary; she therefore urged the Committee to take swift and decisive action to adopt the Moroccan autonomy initiative.

48. **Ms. Girouard**, speaking in her personal capacity as a Canadian filmmaker, said that she had witnessed the inhospitable conditions in which Sahrawis lived when she was filming a documentary in the refugee camps in Algeria. The family hosting her faced great material deprivation and, worst of all, had been stripped of freedom, home and future. Easy access to hospitals and universities was non-existent, making prosperity very difficult. The second largest wall in the world impeded them from going home, where the other half of the Sahrawi population were beaten, kidnapped and tortured by Moroccan police whenever they dared to protest peacefully. Morocco continued to silence the Sahrawi people in order to maintain access to the Territory's rich soils and fisheries, including the world's second largest reserve of phosphate rock, a resource used to fertilize farms. By doing so, Morocco was sending the message that wealth and power were more important than human dignity.

49. In addition to boycotting, divesting from and sanctioning Moroccan State companies, States must diligently ensure that their own companies were not supporting the conflict. By making occupation costly, such efforts would ultimately force the Moroccan King to listen. Morocco must also be held accountable for its brutal repression of Sahrawis. The King did not allow journalists to enter the country and MINURSO did not monitor human rights abuses, as Morocco deliberately hid critical information to convince the public of the falsehood that all Sahrawis were living in peace and harmony in the Territory.

50. Lastly, the Sahrawi people's consistently asserted desire for self-determination must be heeded. To that end, she urged MINURSO and its Canadian Special Representative to continue working to facilitate the referendum that Sahrawis had been promised nearly three decades earlier and to pressure the international community to stop ignoring the issue, as ongoing neglect would amount to supporting the slow genocide of a people. For its part, the United Nations and, in

particular, the representatives of France and the United States must put politics aside and stop maintaining the status quo.

51. **Ms. Dubord-Gagnon**, speaking in her personal capacity as a Canadian writer, said that the violation of human dignity endured by the Sahrawis living in the Frente POLISARIO-run refugee camps in Tindouf, Algeria, was an urgent matter that must be addressed. Sahrawis had been subjected to repression by the Frente POLISARIO on a daily basis for over 43 years, dating back to their forced relocation to the camps in the 1970s. The climate of fear that reigned in the camps prevented Sahrawis from returning to their motherland, Morocco, and being reunited with their families. In addition to being deprived of their freedom of movement, some Sahrawis were subjected to enslavement and torture and harassed for protesting peacefully, further violations of their basic rights under the Universal Declaration of Human Rights.

52. The dramatic situation unduly prolonged by the separatist Frente POLISARIO movement must be resolved. The Moroccan autonomy initiative proposed in 2007 appeared to be the sole solution offering a basis for consensus that would put an end to the regional dispute. Moreover, the security situation in the Sahara and the Sahel was imperilled by the emergence of new connections between the Frente POLISARIO and Al-Qaida in the Islamic Maghreb and Islamic State in Iraq and the Levant (ISIL) militias established in Libya. The autonomy solution would advance the international objective of eradicating the scourge of terrorism and mafia networks in the Maghreb and ultimately contribute to building a democratic, stable and united greater Maghreb region for all.

53. **Mr. Blanco** (Universidad de Flores, Argentina) said that the conflict in Western Sahara was not propitious to sustainable development, as it exacerbated the instability of the Maghreb, subjecting its populations to violence and poverty. A political solution would contribute to stability and security in the region and would lead to cooperation between the Arab Maghreb countries. Western Sahara was historically and traditionally Moroccan. The question of Western Sahara was an artificial problem created to weaken Morocco geographically, economically and politically. As the conflict was based on the principle of territorial integrity, peace dialogue could take place only in the United Nations, which had been consistent in its initiatives for the safeguarding of order and peace. Security Council resolution 2414 (2018) reaffirmed the commitment to assist the parties to achieve a just and acceptable political solution, recognizing the serious and credible efforts Morocco had made to advance the process. Its autonomy proposal was fair, realistic and viable. Aiming to ensure a successful political process, the United Nations had also urged neighbouring States to become involved in the negotiations without preconditions. The League of Arab States, the African Union and the European Union should all work together to facilitate the efforts of the United Nations. Morocco was committed to working with all parties under the auspices of the United Nations to achieve a mutually acceptable and definitive political solution, within the framework of international law, to guarantee its territorial integrity and ensure the Sahrawis autonomous management of their regional affairs.

54. **Mr. Agozino** (Peace and Security Observatory, National Defence University of Argentina), denouncing the Frente POLISARIO's diversion of humanitarian aid intended for the Tindouf refugee camps, said that humanitarian aid was just when provided impartially, transparently and apolitically, but when misappropriated, it not only harmed the most vulnerable but nourished illicit networks. In its theft and fraud, the Frente POLISARIO worked closely with local criminal networks known for terrorism, drug trafficking and human trafficking, systematically violating international treaties against organized crime.

55. The misappropriation of food aid and medical supplies had been denounced by the European Anti-Fraud Office, the Spanish Red Cross and the European Strategic Intelligence and Security Center. Many credible organizations had been forced to suspend their contributions, including the Association of the Bar of the City of New York, Teach the Children International and Manos Limpias.

56. Through the diversion of aid, the Frente POLISARIO and its accomplices violated the rights of the defenceless civilian population held captive in Tindouf, all with the blessing of the host country, in a blatant violation of common article 3 of the Geneva Conventions, which prohibited such crimes at any time and in any place. Those acts constituted a crime against humanity that should be condemned and sanctioned by the various organs of the United Nations and competent international bodies, and be brought before the International Criminal Court.

57. **Mr. Moraga Duque** (Rehabilitación y Esperanza) said that for him as a Chilean victim of torture and former political prisoner, the defence of human rights and the quest for reparations were paramount. He appreciated King Mohammed VI's creation of the Equity and Reconciliation Commission to shed light on the grave human rights violations in Morocco between 1956 and 1999 and resolve requests for compensation

from victims or their dependants. In the process of the Commission's work, the Sahara had been treated no differently from other regions, and residents of the region had had the opportunity to hold hearings and collect information from various actors, including those related to the Frente POLISARIO.

58. It was therefore surprising to find Spanish attorneys speaking before the Committee to denounce Moroccan abuses against the Sahrawis, even as many prominent Moroccans in civil society and politics had suffered in Frente POLISARIO prisons. It was an affront to real victims to have spokespersons and accomplices of the Frente POLISARIO speak, when its own authorities maintained a one-party system in the Tindouf camps worthy of the worst dictatorships and were being prosecuted in Spain for crimes against humanity, abduction of women and theft of humanitarian aid.

59. **Mr. Blanc** (University of Perpignan, France), speaking as a professor of comparative law, said that the agreements between Morocco and the European Union were legally valid based on the principle of the State's permanent sovereignty over natural resources. Since sovereignty was a characteristic of States and not of peoples, non-state entities such as non-autonomous Territories were precluded from invoking it, despite claims to the contrary. In the case of Morocco, moreover, its Saharan provinces were fully integrated into the country in every respect, politically, economically, socially and culturally. General Assembly resolution 1803 (XVII) had further provided, of course, that the right to permanent sovereignty over natural resources must be exercised in the interest of the well-being of the people of the State concerned.

60. That was the context of the Moroccan autonomy proposal of 2007, which involved the populations of Moroccan Sahara in the management of the region's affairs, thus ensuring its economic and social development. While waiting for the autonomy proposal to be adopted, Morocco, acting out of a sense of national solidarity, was progressively implementing an advanced regionalization system that allowed the Saharan region, on a par with all the others, to benefit from all the country's resources. The outlay for that major national development programme far exceeded the revenues from the exploitation of natural resources, and human development indicators in the Southern Provinces were well above the average of other regions in the country.

61. The offer by Morocco to grant autonomy to its Saharan provinces was the only realistic and credible alternative that had been put forward, especially since it provided for a referendum to be held to allow the Sahrawis to exercise their right to self-determination within that framework of broad autonomy.

62. **Ms. Emhamed** (Northeast Iowa Peace and Justice Center) said that despite the passage of 27 years since the Sahrawi people had been promised the right of self-determination, the Committee had still not taken serious action. Meanwhile, the Sahrawis continued to suffer under the occupation of Western Sahara. Their resources were being illegally stolen by Morocco and shipped overseas. Students and human rights activists were being tortured and imprisoned for protesting.

63. The United Nations should stand together against French bias towards Morocco and its abuse of international law and should hold the French Government accountable for contributing to the suffering of the people of Western Sahara. The people of France should demonstrate against their Government's violations of the Sahrawi people's right to self-determination.

64. Spain continued to violate international law by not recognizing its historical responsibility to free Western Sahara. Spain continued to deny the Sahrawi people its freedom by standing with Morocco in its exploitation of the natural resources of Western Sahara. The Sahrawis had to be given freedom, a voice and the opportunity to decide for themselves.

65. **Mr. Grimblatt** (Centro de Estudios del Magreb para las Américas) said that Morocco was principally focused on growth and development in the Moroccan Sahara, rather than on the exploitation of its natural resources. The separatist accusations of an unbridled exploitation of resources were politically motivated and could not be farther from the truth. Since the relinquishment of the region by Spain, Morocco had also contributed to its political development, granting nationality to the inhabitants with all pertaining rights, including political representation in the Parliament. Moreover, its Saharan citizens had been granted the same social rights and the same economic rights as everyone else in the country, fostering consistent national development. Contrary to the accusation of unprincipled exploitation levelled against it, Morocco had made investments in the fisheries industry of Moroccan Sahara, and modernized it to the point that it was recognized globally for the quality of its products and for a respect for sanitary and fair employment norms. The Government had also invested in the production of phosphates there, which had led to the creation of stable jobs and the development of energy sources, with the product of the industry being reinvested into the area, allowing advances in such areas as seawater desalination, education, sports activities and

tourism. The large-scale government policies for the development of the Saharan region aimed to ensure that Saharan individuals, families and communities benefitted from all the rights and privileges of Moroccan citizenship.

66. **Mr. Rino** (Bambini Senza Confini - Onlus), speaking also on behalf of the municipal government of Naples and of a group of Italian NGOs which had long been working to uphold the cause of the Saharan Arab Democratic Republic, said that upon visiting the Sahrawi refugee camps, he had found the people living solely off diminishing humanitarian aid, without sufficient potable water, decent health care or even shoes for their children. Yet they remained proud, united, welcoming and peaceful people.

67. Western Sahara was an ungoverned Territory, and the Sahrawi people had an inalienable right to self-determination and independence from a monarchy that had occupied its land, built a mined berm around it, illegally exploited its resources and tortured and imprisoned those who had remained under occupation. The Security Council must find a new way to immediately hold the referendum on self-determination and transfer the question of Western Sahara from Chapter VI to Chapter VII of the Charter of the United Nations.

68. **Mr. Seillan** (Member of the Paris Bar), speaking as a legal specialist in the question of Western Sahara, said that the human rights of the Saharans living in the Sahara region of Morocco must be considered in the specifics, in terms of their enjoyment of broad school attendance, wide-ranging public services, vibrant economic development in which Saharans and women in particular played an essential role, an innovative artisanal fisheries production, and dynamic community involvement in all sectors. The region boasted a civil society that would be the envy of other countries. Human rights also involved democratic participation in national, regional and local elections. Taken together, the Human Development Index was higher in Moroccan Sahara than elsewhere.

69. He had followed the Gdim Izik trial as an observer and found that it had completely respected human rights and that the trial's procedures had been influenced to a large extent by Anglo-Saxon adversarial procedure. It was the defendants' attorneys who had flouted their rights and not served their interests, or those of the thirteen murder victims, by using the trial to make general political observations favouring the Frente POLISARIO instead of focusing on the details of the case. He had visited the prison where the defendants were detained and found that the claims about the defendants' health were lies.

70. **Mr. El Ahmadi** (Faculty of Medicine, Rabat University, Morocco), recalling that Morocco, established as a nation in the 8th century, had been the only independent State in northwest Africa until its colonization in 1906, said it was important to remember that it was Morocco that had put the question of Western Sahara on the Committee's agenda in 1963 in order to end Spanish colonial domination of its Saharan territory, even after the rest of Morocco had been decolonized in 1956. The Moroccan request had been in line with General Assembly resolution 1514 (XV), which provided that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. The Frente POLISARIO and its supporters should check their information and have a modicum of humility and decency when addressing such an honourable assembly.

71. **Mr. González Vega** (Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental), speaking as a professor of international law in Spain, said that international law recognized the permanent sovereignty of peoples over their natural resources, in accordance with General Assembly resolution 1803 (XVII) and a 2005 judgment of the International Court of Justice. However, the Sahrawi people had seen repeated violations of its permanent sovereignty over its natural resources in the case of agreements between the European Union and the occupying Power, Morocco, to pillage the waters of Western Sahara. The United Nations Office of Legal Affairs had considered the issue in an opinion (S/2002/161) and stipulated that only when resource exploitation activities were conducted in Non-Self-Governing Territories for the benefit of the peoples of those Territories, on their behalf or in consultation with their representatives were they compatible with the General Assembly resolutions and the principle of permanent sovereignty over natural resources. The European Court of Justice had also recently rejected the justification put forward by Morocco that it was an administering Power and thus could exploit Sahrawi fishing resources.

72. Therefore, fishing in the marine areas of Western Sahara by ships bearing flags of European Union member States was illegal, and the European Union was liable for it. It was all the more serious that such fishing was at the initiative of Spain, still the administrating Power of the Territory, which was once again in violation of its obligations.

73. Claims that such fishing would take into consideration the interests of the population of the Territory lacked the slightest basis, as they conflated the population currently living in the Territory, many of whom were Moroccan colonists illegally settled there, and the people of Western Sahara, which was the sole sovereign of the Territory. The fishing resources of Western Sahara could be exploited only with the free consent of the people of Western Sahara, through its legitimate representative, the Frente POLISARIO.

74. **Mr. Laassel** (Morocco) asked the Chair to apply the Committee's rule that petitioners who were not present at their turn should not be given the floor.

75. **Ms. Benhabouche** (Algeria) recalled that the Committee's practice was to allow petitioners who missed their turn to be able to speak later, so as to ensure that all petitioners could speak.

76. **Mr. Mahfouz** (Egypt) said that it was unacceptable and unprecedented for anonymous people to be allowed to name specific countries and make unfounded allegations in a respected United Nations forum or discuss issues not relevant to the agenda of the Fourth Committee.

77. **The Chair** said that, if delegations wished to ask questions of a petitioner, they should indicate their wish to speak by pressing the microphone button well before the petitioner had finished so they could be given the floor.

78. In response to Morocco and Algeria, he said that he was using the lists of petitioners provided by the secretariat. The practice of the Committee was that if petitioners missed their turn, adjustments were made to accommodate them.

79. **Ms. Sharma** (Secretary of the Committee) clarified that when there was a change in the list of speakers, it was because the petitioners had mutually agreed to switch their spots.

80. **Mr. Aleksaev** (Russian Federation) said that the delegation of Egypt had addressed its remarks to the secretariat and not to the petitioner, and his delegation thought a response should be given, either at that meeting or at the next.

81. **The Chair** asked which petitioner Egypt was referring to.

82. **Mr. Mahfouz** (Egypt) said that the individual was Mohamed Fadel and was not listed as having any *institutional affiliation*.

83. **The Chair** said that Mr. Fadel was number 62 on the list for 10 October 2018. He asked Egypt to detail its concerns so that the Bureau could provide updated information to the Committee.

84. **Ms. Benhabouche** (Algeria) said that the time reserved for petitioners was intended to allow the Committee to hear from them, and there should not be obstacles to hearing them. There was a practice that if petitioners agreed to exchange their turns they would be heard in that order, and his delegation believed that practice should be respected. The Chair had never said that any petitioner not in the room should be removed from the list.

85. **Mr. Laassel** (Morocco) said that the previous statement showed the kind of manipulation that was occurring in the room.

86. **The Chair** said that there was a misunderstanding in the assertion by Morocco that a petitioner not in the room would not be heard, which was not the case. The Committee had always been guided in its work by the principles of impartiality, consensus-building and teamwork, not manipulation.

87. The Bureau would discuss the matters just raised with Algeria, Egypt, Morocco and Russia before the subsequent meeting.

The meeting rose at 6.10 p.m.